

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No.: 22-CV-22538-ALTMAN/REID

Dominik Karnas, et al., on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

Mark Cuban, *et al.*,

Defendants.

/

**PLAINTIFFS' *AGREED* MOTION FOR BRIEFING SCHEDULE AND FOR
RECIPROCAL EXTENSION OF PAGE LIMITS TO RESPOND TO DEFENDANTS'
MOTION TO DISMISS [ECF NO. 189]**

Plaintiffs respectfully move the Court for an order: (1) granting Plaintiffs a reciprocal 35-page extension for their Opposition to Defendants' Omnibus Motion to Dismiss; and (2) setting a briefing schedule on the motion to dismiss giving Plaintiffs until November 17, 2023 to file their Opposition and giving Defendants until December 6, 2023 to file their Reply. Defendants have agreed to the relief requested in this motion.

1. On October 13, 2023, Defendants moved for a page limit extension to file their motion to dismiss the Second Amended Complaint to 35 pages, with leave to file 12-page individual supplemental responses. [ECF No. 184]. Defendants noted Plaintiffs would request a reciprocal page extension of 35 pages for their Opposition, but opposed the request for individual supplemental briefs. *Id.*, 4–5.

2. On October 16, 2023, the Court granted Defendants' request in part, giving them 35 pages for their Omnibus Motion to Dismiss and denying leave to file individual supplemental responses. [ECF No. 185].

3. On October 27, 2023, Defendants filed their Omnibus Motion to Dismiss. [ECF No. 189].

4. The Parties previously conferred and agreed to a briefing schedule giving Plaintiffs a one-week extension to November 17, 2023, to file their Opposition to the Omnibus Motion to Dismiss. *See* [ECF No. 190] at 8 (November 17th in Plaintiffs' proposed schedule) and 9 (November 17th in Defendants' proposed schedule).

5. While the Parties previously discussed giving Defendants an extra week for their Reply, to December 1, 2023, Defendants later asked for an additional 5 days to December 6, 2023, given the Thanksgiving holiday. *See* [ECF No. 190] at 8 (December 1st in Plaintiffs' proposed schedule) and 10 (December 6th in Defendants' proposed schedule).

6. Plaintiffs do not object to December 6th for Defendants to file their Reply.

7. This motion is brought in good faith and not for purposes of delay.

8. Plaintiffs have conferred with Defendants, who agree to the relief requested in this motion.

CONCLUSION

Plaintiffs respectfully request an order (1) granting Plaintiffs a reciprocal 35-page extension for their Opposition to Defendants' Omnibus Motion to Dismiss; and (2) setting a briefing schedule on the motion to dismiss giving Plaintiffs until November 17, 2023 to file their Opposition and giving Defendants until December 6, 2023 to file their Reply. A proposed Order is attached as **Exhibit A**.

S.D. FLA. L.R. 7.1 CERTIFICATION

Counsel for the Movants made reasonable efforts to confer with all parties who may be affected by the relief sought in the motion in a good faith effort to resolve it, and report that Defendants agree to the requested relief.

Dated: November 8, 2023

Respectfully submitted,

By: /s/ Adam M. Moskowitz

Adam M. Moskowitz
Florida Bar No. 984280
adam@moskowitz-law.com
Joseph M. Kaye
Florida Bar No. 117520
joseph@moskowitz-law.com
Barbara C. Lewis
barbara@moskowitz-law.com
Florida Bar No. 118114
THE MOSKOWITZ LAW FIRM, PLLC
2 Alhambra Plaza, Suite 601
Coral Gables, FL 33134
Telephone: (305) 740-1423

By: /s/ David Boies

David Boies
(admitted *pro hac vice*)
Alexander Boies
(admitted *pro hac vice*)
Brooke Alexander
(admitted *pro hac vice*)
BOIES SCHILLER FLEXNER LLP
333 Main Street
Armonk, NY 10504
Phone: (914) 749-8200
dboies@bsflp.com
aboies@bsflp.com
balexander@bsflp.com

Co-Counsel for Plaintiffs and the Class

Jose M. Ferrer
Florida Bar No. 173746
Desiree Fernandez
Florida Bar No. 119518
MARK MIGDAL HAYDEN LLP
8 SW 8th Street, Suite 1999
Miami, FL 33130
Office: 305-374-0440
jose@markmigdal.com
desiree@markmigdal.com

Co-Counsel for Plaintiffs and the Class

Stephen Neal Zack
Florida Bar No. 145215
Tyler Ulrich
Florida Bar No. 94705
BOIES SCHILLER FLEXNER LLP
100 SE 2nd St., Suite 2800
Miami, FL 33131
Office: 305-539-8400
Fax: 305-539-1307
szack@bsflp.com
tulrich@bsflp.com

Co-Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing was filed on November 8, 2023, via the Court's CM/ECF system, which will send notification of such filing to all attorneys of record.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ
Florida Bar No. 984280